



Appeal Decision

Hearing Held on 9 & 10 October 2018

Site visit made on 10 October 2018

by Rory Cridland LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19th November 2018

Appeal Ref: APP/H1705/W/18/3197919

Land at Farleigh Road, Farleigh Road, Cliddesden, Hampshire RG25 2JN.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 ("the 1990 Act") against a refusal to grant planning permission.
 - The appeal is made by Thakeham Homes Ltd against the decision of Basingstoke & Deane Borough Council.
 - The application Ref 16/04690/FUL, dated 16 December 2016, was refused by notice dated 13 September 2017.
 - The development proposed is the erection of 40 dwellings to include 24 private homes and 16 affordable homes, associated parking, landscaping, amenity space and highway alterations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's fourth reason for refusal relates to the effect of the proposed development on highway safety. However, within its written evidence the Council has confirmed that it now considers the proposal would be acceptable in this respect and it wishes to withdraw this reason for refusal. While I note the concerns expressed by local residents and in particular the effect it would have on traffic levels and parking along Farleigh Road, the appellant has provided a detailed Transport Statement (TS) which indicates that the number of additional trips generated would have no discernible impact on the operation of the local highway network. Furthermore, it indicates that a safe and appropriate access arrangement can be provided off Farleigh Road that can suitably accommodate pedestrians, cyclists and vehicular traffic. This is accepted by the highway authority and there is no robust evidence which would indicate that the TS is materially flawed in this respect. I therefore agree with the Council's assessment and accordingly have not considered this matter further.
3. On 5 June 2018, Cliddesden was designated as a Neighbourhood Area under section 61G of the 1990 Act. However, while I am mindful that the community may have already identified other sites to accommodate planned growth in Cliddesden, in view of its early stage of development and the lack of any meaningful consultation, I have afforded this limited weight in the determination of this appeal.

4. During the course of the appeal, the Council adopted a new Design and Sustainability Supplementary Planning Document¹ ("the SPD") which replaces the version considered by the Council when determining the original application. I have considered the proposal in light of these changes.
5. The Council confirmed at the hearing that the Cliddesden Village Design Statement² does not form part of its adopted supplementary planning guidance. Nevertheless, it provides a useful indication of some of the key characteristics of Cliddesden and was taken into account by the appellant in formulating their proposals. As such, I have also had regard to it in my determination of this appeal.

Main Issues

6. The main issues are:

- (i) whether the site offers an acceptable location for the proposed development having regard to the adopted settlement strategy; and
- (ii) the effect of the proposed development on the character and appearance of the surrounding area including the setting of the village, the surrounding landscape and the Cliddesden Conservation Area ("the CA").

Reasons

Location

7. Policy SS1 of the Basingstoke and Deane Local Plan 2011-2029³ (LP) outlines the local strategy for housing delivery and directs new development towards the area's defined settlement boundaries. Furthermore, Policy SS6 of the LP permits proposals outside these areas only in a small number of defined circumstances.
8. The appeal site is located outside but immediately adjacent to the recognised settlement boundary of Cliddesden. It does not include previously developed land, form part of a rural exception site for affordable housing, or involve the re-use or replacement of an existing building or dwelling. Similarly, it does not consist of small scale residential development and the site has not been allocated in a made neighbourhood plan.
9. In the absence of any identified exemption, I agree with the main parties that the proposal would be in conflict with LP Policies SS1 & SS6.

Character and appearance

10. The appeal site is located at the northern end of Cliddesden, a small village situated around 2.5km from Basingstoke and close to the M3 Motorway. The settlement pattern is broadly linear extending in a north-south alignment along Farleigh Road with some further development extending east and west along Woods Lane and Church Lane. House styles and sizes are varied with examples of historic thatched roof properties, the early twentieth-century semi-detached dwellings directly opposite at Southlea and the more modern developments

¹ (2018).

² (2004).

³ Adopted May 2016

along Woods Lane, Hoopers Mead and nearby Chapel View. The majority of the village falls within the CA and although situated close to the more densely populated Basingstoke, it nevertheless retains a traditional rural village character. This is partly due to the positive contribution made by the areas of agricultural land - or 'green fingers' - which extend from the open countryside towards the village.

11. The site itself consists of an agricultural field with a mature hedge running along its eastern boundary which provides a considerable amount of screening both from the adjacent public footpath as well as from the wider landscape. Similarly, along its boundary with Farleigh Road the site is partially screened from view by the dense hedging which runs for part of its length. There are, however, a number of clear and attractive views across the site both from the road itself and from the elevated footpath opposite. This enhances the rural character of this northern section of the village and positively contributes to the agricultural setting and significance of the CA.
12. The proposal would involve the erection of 40 dwellings (40% of which would be affordable) together with areas of public open space and additional landscaping - all accessed via the existing track located on the south west boundary. The dwellings themselves would consist of a mixture of 2-storey properties and chalet style bungalows set out in an irregular pattern and designed around three distinct character areas.
13. The appellant's Landscape and Visual Impact Assessment indicates that the proposals have a very limited impact and localised effect on the wider landscape area. However, it also recognises that locally, it would bring about wholesale change. While I acknowledge the impact on the wider landscape would be minimal, the introduction of this number of dwellings laid out in an irregular pattern would result in an abrupt change to this part of the village. Its suburban form would appear at odds with the more linear pattern which is characteristic of both the northern and southern ends of Farleigh Road. It would erode its rural character and even taking account of the site's topography, the contrasting, more suburban layout would be evident to both drivers and pedestrians when entering or leaving the village. While I accept the additional planting and landscaping proposed would provide some mitigation, this would take some time to mature. In the intervening period, the site would be far more open and would have a significantly negative impact on the character and appearance of this part of the village and the CA.
14. Furthermore, the Cliddesden Conservation Area Appraisal ("the CAA") notes that the historic character of the CA is enhanced by its rural landscape setting and from the interrelationship between the buildings and the surrounding open spaces. Even though the appeal site itself is not designated as an Open Area of Landscape Significance, it is nevertheless explicitly recognised as an important general view which helps show the village in its outstanding landscape context. While I note the appellant's heritage statement indicates that an appropriately scaled and planned development could be accommodated without compromising the significance of the CA, I am not persuaded the proposal meets this objective. Instead, I consider it would result in the significant erosion of Cliddesden's rural setting which would detrimentally impact on the agricultural significance and character of the CA as a whole. This would be exacerbated by the site's prominent location at the village entrance. While I note the appellant's assertion that the area of retained paddock would provide

some mitigation in this respect, it would not, in my view, be sufficient to outweigh the resultant harm.

15. I accept that village's linear pattern of development has, to some extent, been eroded at other parts of the village, including near Hoopers Mead, Woods Lane and nearby Chapel Walk. However, there is little intervisibility between these sites and the appeal site and they have very little impact on the character of this part of the village. Likewise, while I note the appellant's contention that the garages to the rear of Southlea appear as a second tier of development, further eroding the linear character of the surroundings and providing some mitigation for the abrupt change, these structures are clearly ancillary and do not materially erode the characteristically linear appearance of this part of the village.
16. Accordingly, I find the proposed scheme would erode the linear pattern of development in this part of Cliddesden and would be harmful to landscape setting of the village. Furthermore, it would result in the significant erosion of an important view of the wider landscape setting. This would be harmful to the character and appearance of the surrounding area and the CA as a whole. As such, I find the proposal would be contrary to Policies EM1, EM10 & EM11 of the LP which, taken together, seek to ensure that new development positively contributes to local distinctiveness, is not detrimental to the setting of a settlement⁴ and conserves or enhances the quality of the borough's heritage assets in a manner appropriate to their significance. Consequently, I do not consider the character and appearance of the CA would be preserved or enhanced.

Planning Obligations

17. The Council's fifth reason for refusal relates to the absence of a legal agreement in respect of various community and infrastructure contributions. At the hearing, the appellant submitted a duly executed Unilateral Undertaking (UU) which the Council confirmed addresses a number of its concerns in this respect. However, other than those which relate to affordable housing, the obligations contained within the UU are intended to mitigate the effects of the proposed development. As I am dismissing for other reasons, I do not consider it necessary to consider these obligations in any further detail.
18. However, the obligations in respect of affordable housing provide a potential benefit which may weigh in favour of the proposal and I note that Policy CN1 of the LP requires an affordable housing provision of at least 40% to be provided on all market housing sites. I am satisfied that the affordable housing obligation is directly related to the development, is reasonably related in scale and kind and is necessary to make the development acceptable in planning terms. As such, I consider it meets the relevant tests set out in Regulation 122(2) of the Community Infrastructure Regulations 2010 and provides some support in favour of the proposal.

Balancing Exercise

19. I have found above that the proposal would result in harm to the CA and I agree with the parties that the resultant harm would be less than substantial. Paragraph 196 of the Framework advises that where a development proposal

⁴ including important views to, across, within and out of settlements.

will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits.

20. The appellant has identified a number of such benefits including its contribution toward the supply of affordable housing within the borough. This is clearly of positive public benefit and meets an identified need. As such, I afford it a considerable amount of weight. Furthermore, I note the economic benefits referred to by the appellant including those that would result from additional employment during construction, additional expenditure for the local economy and support for local businesses and services. However, while these provide some additional public benefits, they are more limited and I afford them only a moderate amount of weight.
21. Similarly, there would be some public benefit resulting from the proposed improvements to the nearby public right of way as well as from the additional public open space and play areas provided on site. However, these are intended to mitigate against the impact of the proposed development on existing infrastructure and, as such, I afford them limited weight. Likewise, while I note the conclusions of the appellant's ecological assessment that there would be some longer term ecological benefits resulting from the proposed landscape strategy, there is no robust evidence which would indicate that these would be significant. On the evidence before me, I am not persuaded that they would provide any meaningful public benefits. As such, I afford them little weight.
22. The appellant has also referred to a number of other public benefits including the new homes bonus, additional council tax receipts and payments under the Community Infrastructure Levy. However, while Section 70(2) of the 1990 Act provides that a local planning authority must have regard to a local finance consideration as far as it is material, the Planning Practice Guidance⁵ makes it clear that it would not be appropriate to make a decision based on the potential for a development to raise money for a local authority. As such, I afford them no weight.
23. However, Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires me to give special attention to the desirability of preserving or enhancing the character and appearance of the CA and I give this considerable importance and weight. Furthermore, the Framework makes clear that heritage assets, including conservation areas, are an irreplaceable resource and while I note that the Framework advises that local planning authorities should look for opportunities for new development within Conservation Areas to enhance or better reveal their significance, Paragraph 193 makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In addition, Paragraph 194 indicates that any harm to the significance of a designated heritage asset should require clear and convincing justification.
24. In the present case, I am not persuaded that the resultant harm is outweighed by the public benefits or that there is a clear and convincing justification for the harm to the CA that would result from the proposed development.

⁵ Reference ID: 21b-011-20140612

Other Matters

25. The Council's most recent Authority Monitoring Report⁶ was published in December 2017 with a base date of 1 April 2017. This identifies a 5.6 year supply of deliverable housing sites. However, the appellant has argued that the Council is unable to demonstrate a 5 year supply of housing land and that as such the tilted balance is engaged. While I accept that circumstances relating to housing land supply are fluid and can change over even short periods, even if I were to conclude there is a shortfall in the five-year housing land supply on the scale suggested by the appellant, I consider the harm to the CA identified above provides the clear reasons referred to in paragraph 11(d)(i) of the Framework for refusing development. Furthermore, I consider the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
26. The appellant has drawn my attention to Policy SS5 of the LP which requires Cliddesden to deliver a minimum of 10 dwellings via mechanisms such as a neighbourhood plan. However, there is no robust evidence to indicate that Cliddesden would have difficulty meeting this requirement. In any event, I do not consider that such a shortfall would provide any meaningful support in favour of the proposal.
27. I have also noted the detailed concerns regarding surface water drainage raised by the owners of neighbouring Sunnyvale. However, it was agreed at the hearing that any harm in this respect could be sufficiently guarded against by means of an appropriately worded condition and, as such, I have not considered the matter further.

Conclusion

28. The Framework advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. However, in view of its conflict with a number of development plan policies, I consider the proposal would be contrary to the development plan taken as a whole and I am not persuaded that there are material considerations present which would justify a departure.
29. Accordingly, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

APPEARANCES

FOR THE COUNCIL:

⁶ The Basingstoke and Deane Authority monitoring Report 2016/17.

Ms V Gooding	Principal Planning Officer (HLS)
Ms K Fitzherbert-Green	Principal Planning Officer
Mr T Martin	Landscape Architect
Mr D Ayre	Senior Conservation Officer

FOR THE APPELLANT:

Mr D Sullivan	Thakeham Homes
Mr J McAllister-Jones	Thakeham Homes
Mr C Austin-Fell	RPS

INTERESTED PARTIES

Mr R Diggs	Local Resident
Mr R Palmer	Local Resident
Ms S Turner	Cliddesden Neighbourhood Plan/Local Resident
Mr J Bailey	On behalf of Local Residents.
Mr B McCarthy	Waterman Infrastructure and Environment Limited
Mr V Tilley	Local Resident
Mr L Smith	Local Resident
Mr B Karley	Local Resident
Ms S Smith	Local Resident
Mr D K Wright	Local Resident

OTHER DOCUMENTS SUBMITTED AT THE HEARING:

1. Flood Risk Review by Waterman Infrastructure and Environment Limited (October 2018) (Exhibit LE1).
2. Updated Appendix 3 – email correspondence relating to Manydown (Exhibit LE2).
3. Table showing updated figures on Housing Land Supply (Exhibit LE3).
4. Extended sectional drawings (Exhibit LE4).
5. Opening remarks from Mr Bailey on behalf of local residents (Exhibit LE5).
6. Plan showing location of local facilities in Cliddesden (Exhibit LE6).

7. Neighbourhood plan update document (Exhibit LE7).
8. Contextual diagram of flooding from Mr R Palmer (Exhibit LE8).
9. Appeal decision 3194926 (Exhibit LE9).
10. Document setting out local residents' highway safety concerns (Exhibit LE10).
11. Unilateral undertaken dated 9 October 2018 (Exhibit LE11).
12. Copy of Photograph taken of Farleigh Road circa 1900 (Exhibit LE12).
13. Photographs of taken from Sunnyvale dated 2012 and April 2018 (exhibit LE13).
14. LP Policy EM7 (Exhibit LE14).
15. Proposed condition in respect of surface water drainage (supplied by Mr Bailey on behalf of Mr McCarthy) (Exhibit LE15).
16. Footpath improvement plan (Exhibit LE16).

Richborough Estates